

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5302

IN THE MATTER OF:

Served April 6, 1998

Application to Transfer)	Case No. AP-98-08
Certificate No. 318 from OLANDERS)	
CLARK, Trading as CLOUD NINE)	
COACHWAYS, to CLOUD NINE COACHWAYS,)	
INC.)	

By application filed February 6, 1998, Olanders Clark, trading as Cloud Nine Coachways, WMATC Carrier No. 318, (Clark), and Cloud Nine Coachways, Inc., a Maryland corporation, (CNC), seek Commission approval to transfer Certificate of Authority No. 318 from Clark to CNC. Clark is an officer and sole shareholder of CNC. The application is unopposed.

Article XI, Section 11(a), of the Compact governs the transfer of assets, including a certificate of authority, by an unincorporated WMATC carrier in exchange for a controlling interest in a newly formed corporation.¹ A transfer of this nature raises fitness issues only.²

CNC proposes commencing operations with eleven coaches. CNC's proposed tariff contains hourly charter rates.

CNC filed a balance sheet as of September 30, 1997, showing assets of \$1,934,554; liabilities of \$1,895,368; and equity of \$39,186. CNC's projected cash flow statement for the twelve months ending February 28, 1999, predicts a net positive cash flow of \$96,465.

CNC certifies it has access to, is familiar with, and will comply with the Compact and the Commission's rules and regulations thereunder.

Based on the evidence in this record, the Commission finds CNC to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements and, therefore, that the transfer of assets, including Certificate No. 318, to CNC is consistent with the public interest.

¹ In re Ira A. Austin, Sr., t/a Ira's Transp. Serv., & Ira's Transp. Serv., Inc., No. AP-97-42, Order No. 5193 (Sept. 9, 1997).

² Id.

THEREFORE, IT IS ORDERED:

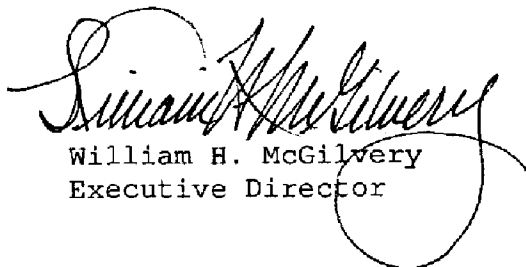
1. That upon timely compliance with the requirements of this order, Certificate of Authority No. 318 shall be reissued to Cloud Nine Coachways, Inc., 3601-B West Street, Landover, MD 20785.

2. That CNC may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until Certificate of Authority No. 318 has been reissued in accordance with the preceding paragraph.

3. That CNC is hereby directed to file the following documents within thirty days: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) a vehicle list stating the year, make, model, serial number, fleet number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia; and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61.

4. That the approval of transfer herein shall be void and the application shall stand denied upon CNC's failure to timely satisfy the conditions of reissuance prescribed herein.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND MILLER:


William H. McGilvery
Executive Director